IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.4510 of 2007
Date of Decision: 26.3.2007

Ajmer Singh and others

Petitioners

versus

Financial Commissioner, Haryana and others

Respondents

CORAM:- **HON'BLE MR. JUSTICE JASBIR SINGH**

HON'BLE MRS. JUSTICE NIRMAL YADAV

Present: Shri J.P.Sharma, Advocate for the petitioners

Jasbir Singh, J. (Oral)

The petitioners are the owners of the land measuring 5 kanals 15 marlas. They filed an application under Section 14-A of the Punjab Security of Land Tensure Act, 1956 (in short, the Act), for ejectment of the respondent Nos.4 and 5 from the land in dispute, on the ground that they had failed to make payment of rent due, from Kharif 1996 to Rabi 1999. Their application was dismissed. They also failed in appeal. In revision, the Commissioner set aside the orders passed by the authorities below and allowed their application, ordering ejectment of the respondent Nos.4 and 5 on the ground that they had failed to make payment of rent due, to the petitioners- landlords. Respondent Nos.4 and 5 went in revision before the Financial Commissioner, who, vide order dated 26.2.2007, allowed their revision, orders passed by the Commissioner and also by the Collector and Assistant Collector, were set aside and the matter was remitted to the Assistant Collector Ist Grade, to decide the same afresh, by taking note of the provisions of proviso to Section 14-A (i) of the Act.

In this writ petition, prayer is to quash the order Annexure P/4 passed by the Financial Commissioner and to restore the order passed by the Commissioner (Annexure P/3).

After hearing counsel for the parties, we are satisfied that the order passed by the Financial Commissioner, is perfectly justified.

As per proviso to Section 14 Clause (i), it is incumbent upon the Assistant Collector Ist Grade, to assess the rent due, along with interest and costs and then gave an opportunity to the tenant, to make payment of the amount assessed. If the tenant fails to comply with the directions given, within the stipulated period, ejectment can be ordered. All the Courts below, from Assistant Collector Ist Grade to the Court of Commissioner, have failed to take note of the above said provisions, as such, we feel that the order passed by the Financial Commissioner, is perfectly justified. The Assistant Collector, now will assess the rent as per the provisions, referred to above and if respondent Nos.4 and 5 fail to make payment, their ejectment can be ordered. It has also come on record that the respondents-tenants had already moved an application with a prayer that directions be issued to the petitioners – landlords, to accept the rent. The said application was pending when their ejectment was ordered. No case is made out for interference.

Dismissed.

(Jasbir Singh)
Judge

March 26, 2007 **(Nirmal Yadav)**
gk **Judge**